

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:04CV51
(1:01CR48-10)

DENNIS MERRIMON WATERS,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on the Petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 filed March 24, 2004.

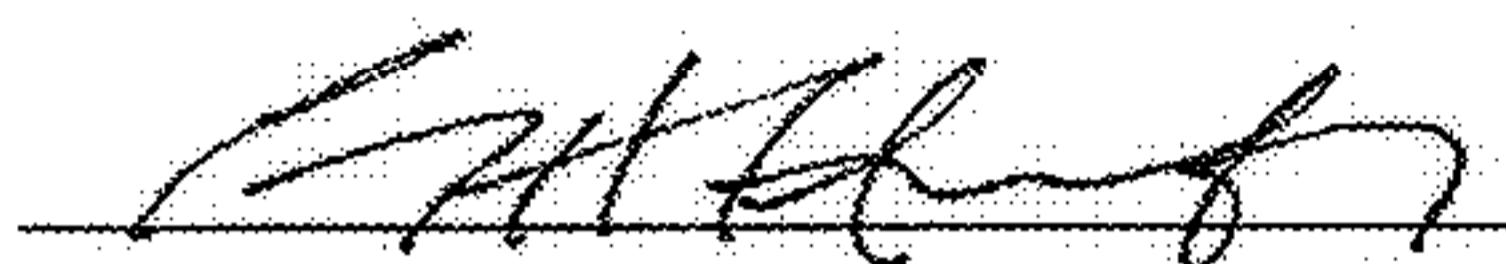
The Petitioner and ten co-Defendants were charged in a superseding bill of indictment with conspiracy to possess with intent to distribute cocaine and crack cocaine. *See Superseding Bill of Indictment, filed August 6, 2001.* The Petitioner was convicted after a jury trial. *Verdict Sheet, filed November 14, 2001.* The undersigned sentenced the Petitioner on October 1, 2002, to a term of life imprisonment. *Judgment in a Criminal Case, filed October 17, 2002.* The Petitioner appealed his conviction and sentence and same were affirmed by the Fourth Circuit. *United States v. Pryor, 75 Fed. Appx. 157 (4th Cir. 2003).*

The Petitioner sets forth numerous grounds why his conviction should be vacated, most of which involve various allegations of ineffective assistance of counsel by his attorney, Gregory A. Newman. After review of the motion, the Court finds it necessary to require Mr. Newman to respond to those allegations which pertain to his representation of the Petitioner.

IT IS, THEREFORE, ORDERED that Gregory A. Newman file an affidavit in response to the Petitioner's allegations set forth in his motion within 30 days from entry of this Order.

The Clerk is directed to send a copy of Petitioner's motion along with a copy of this Order to Mr. Newman; copies of this Order shall also be furnished to the United States Attorney and the Petitioner.

Signed: June 23, 2005



Lacy H. Thornburg
United States District Judge